

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated November 30, 2004, indicated that claims 1-17, 19-25, 27 and 28 are rejected under 35 U.S.C. § 102(a) over Swanson *et al.* (U.S. Patent No. 6,292,911); and claims 18 and 26 are rejected under 35 U.S.C. § 103(a) over Swanson *et al.* in view of Kim *et al.* (U.S. Publication No. 2002/0138678A1).

Applicant respectfully traverses each of the rejections (Section 102(a) and Section 103(a)) because the Office Action fails to present a reference, or a combination of references, that corresponds to the claimed invention. It appears that the Office Action is primarily relying on a reference that is unrelated to the claimed invention. The primary '911 reference teaches detecting errors in transmission using test patterns generated by a controller and sent via a data channel to a data storage component on the data channel where the received test pattern is compared to the original test pattern. *See* Abstract. A review of the '911 reference reveals no teaching of the claimed circuit arrangement with digital data path traffic-related limitations as are present in the instant claims.

The Office Action is unclear as to which aspects of the '911 teachings correspond to the claim limitations. Claim terms such as traffic (or test-traffic), behavior-in-time, throughput, and quality are all absent from the '911 reference. Applicant therefore fails to recognize how the Office Action is asserting the '911 teachings as corresponding to Applicant's claimed invention. As a specific example, the Office Action cites col. 5, lines 38-50, as disclosing the claimed memory arrangement adapted to buffer a plurality of programmable commands that are indicative of at least one of test-traffic type, pattern, and behavior-in-time. The discussion at column 5 does not refer to a memory arrangement nor does the cited portion discuss the apparent memory circuit of the corresponding figure 1, memory 24. Moreover, Applicant fails to recognize any teachings in the '911 reference of programmable commands that are indicative of specific test-traffic parameters, as discussed at page 7 of the instant Specification. For example, the Specification explains that "traffic pattern" is described as a sequence of traffic generator operations, each operation typically including a direction (*e.g.*, read or write) and an address; and "traffic behavior-in-time" is described as a frequency of generated

bus traffic with respect to time. The Office Action does not identify any commands related to data path test-traffic, as claimed and therefore, also does not identify state machine circuitry adapted to assemble portions of the first data stream into test-traffic wherein at least one of type, pattern, and behavior-in-time is selected responsive to the programmable commands, as claimed.

Applicant is also confused by the Office Action's citation to col. 7, lines 44-55 as corresponding to the claimed status and feedback circuit that is adapted to monitor the digital data path for test-traffic and generate a feedback signal indicative of at least one of test-traffic throughput and test-traffic quality. The cited portion of the '911 reference discusses a comparison to determine the accuracy of a test pattern received by a component with respect to the test pattern that was generated and transmitted to the component. Applicant fails to recognize how the '911 comparison would correspond to the claimed digital data path monitoring. Without a presentation of correspondence to each of the claimed limitations, the Section 102(a) and Section 103(a) rejections are improper. Applicant accordingly requests that the rejections be withdrawn.


With particular respect to the Section 103(a) rejection, Applicant traverses because the Office Action fails to present any evidence that the skilled artisan would be motivated to modify the '911 reference as asserted. The Office Action acknowledges that the '911 reference fails to teach a digital data path being an AHB protocol bus. In an attempt to overcome this deficiency, the Office Action suggests modifying the '911 teachings so that channel 12 is an AHB protocol bus "because the AHB bus allows the transfer of data from one device to another." Applicant respectfully submits that the '911 channel already allows the transfer of data from one device to another and that any bus, as the term is used in the electrical arts, would allow the transfer of data from one device to another. The Office Action presents no evidence from the cited references that the skilled artisan would replace the '911 channel 12 with a different type of bus, or more specifically, an AHB protocol bus. Without a presentation of evidence of motivation to modify the cited '911 reference, the Section 103(a) rejection is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Mr. Peter Zawilski, of Philips Corporation at (408) 474-9063.

Please direct all correspondence to:

Corporate Patent Counsel
Philips Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 24738

By: 
Name: Robert J. Crawford
Reg. No.: 32,122
(VLSI.323PA)